THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.19463 OF 2005

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Dt: 05.09.2005

Between:

M. Banthilal.

.. Petitioner

AND

The Depot Manager, APSRTC,

Kamareddy Depot, Kamareddy,

Nizamabad District.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.19463 OF 2005

ORAL ORDER:

The petitioner was employed as a conductor against the vacancy reserved in favour of Scheduled Tribe candidates. However, he was placed under suspension by the respondent through order, dated 22.08.2005, on the ground that the Mandal Revenue Officer, Gandhari has addressed a letter, dated 18.07.2005, to the effect that the petitioner obtained the caste certificate though he does not belong to scheduled tribe. The petitioner challenges the same.

Sri B. Sudhakar Reddy, learned counsel for the petitioner, submits that as on today, the caste certificate issued to the petitioner, survives that he belongs to scheduled tribe, is in force and no proceedings have been initiated as yet under the provisions of the A.P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and Rules 1997 made therein. He submits that Section 21 of the Act mandates that as long as a certificate issued to an individual is not cancelled under the provisions of that Act, it shall be deemed to be valid and the status of the petitioner cannot be disputed.

Sri V.T.M. Prasad, learned Standing Counsel for the Respondent, on the other hand, submits that the impugned order was issued, since the very social status of the petitioner is under cloud. He contends that the truth or otherwise of the allegations against the petitioner would come to light only after the departmental enquiry is completed.

It is not in dispute that the petitioner was employed as a conductor against a vacancy reserved in favour of Scheduled Tribe. This employment was given to him when he produced a caste certificate by the then Tahsildar, Yellareddy. The Mandal Revenue Officer, Gandhari, suspected the validity of the caste certificate issued to the petitioner in the year 1979 and addressed a letter, dated 18.07.2005, to the respondent.

The A.P. State Legislature enacted the Act in the year 1993 prescribing the procedure for issuing caste certificates to various candidates belonging to various communities. Section 5 of the Act provides for cancellation of caste certificate after holding an enquiry into the matter. Section 21 of the Act provides that a community certificate issued by an authority under the relevant Rules or orders before the commencement of the Act shall be deemed to have been issued under this Act till it cancelled under the provisions of the Act. The Rules supplement the procedure in this regard. As of now, it is only the District Level Committee, which is vested with the power to initiate proceedings for cancellation of the caste certificate of the

petitioner. A suspicion expressed by the Mandal Revenue Officer hardly constitutes any basis for doubting the genuinity of the caste certificate issued to the petitioner. At any rate, the respondent cannot suspend the petitioner on a mere suspicion expressed by the Mandal Revenue Officer.

For the foregoing reasons, the writ petition is allowed and the impugned order is set aside. It is, however, made clear that in case the caste certificate of the petitioner is cancelled in accordance with the provisions of the Act and Rules, it shall be open to the respondent to cancel the appointment of the petitioner duly following the procedure prescribed under law. No order as to costs.

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05.09.2005

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